

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CRIMINAL ACTION NO. 1:09-CR-00017-GCM**

**UNITED STATES,**

**Plaintiff,**

**v.**

**ALBERT CHARLES BURGESS,**

**Defendant.**

**ORDER**

**THIS MATTER** is before the Court upon the Motion to Seal Exhibit to Response (ECF Doc. 398).

When a party makes a request to seal judicial records, the Court must (1) give the public notice and a reasonable opportunity to challenge the request to seal; (2) consider alternatives to sealing; and (3) if it decides to seal, make findings “specific enough that a reviewing court can determine whether the sealing is consistent with the First Amendment or the common law right to public access.” W.D.N.C. LCrR 49.1.1; *see also Virginia Dep’t of State Police v. Washington Post*, 386 F.3d 567, 576 (4th Cir. 2004). In accordance with the law of this Circuit as well as the Local Rules, the Court has considered the Motion to Seal, the public’s interest in access to such materials, and alternatives to sealing. The public has been provided with adequate notice and an opportunity to object to the Government’s motion. The Government filed its motion on February 10, 2021, and it has been accessible to the public through the Court’s electronic case filing system since that time. The Court determines that no less restrictive means other than sealing is sufficient because a public filing of such materials would reveal Defendant’s private medical records. The

Court concludes that the sealing of these documents is narrowly tailored to serve the interest of protecting Defendant's private medical records.

**IT IS THEREFORE ORDERED** that the Motion to Seal Exhibit to Response (ECF Doc. 398) is hereby **GRANTED**, and Exhibit 1 to the Government's Response to Defendant's First Motion for Compassionate Release, Second Motion for Compassionate Release, and related Amendment (ECF Doc. 397) shall be filed under seal until further Order of this Court.

**SO ORDERED.**

Signed: June 28, 2021

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

